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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,676

12/20/2005

John Stephenson

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THE WATSON INTELLECTUAL PROPERTY GROUP, PLC  
3133 HIGHLAND DRIVE  
SUITE 200  
HUDSONVILLE, MI 49426

EXAMINER

DEMEREE, CHRISTOPHER R

ART UNIT

PAPER NUMBER

3782

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/561,676	<b>Applicant(s)</b> STEPHENSON, JOHN	
	<b>Examiner</b> CHRISTOPHER DEMEREE	<b>Art Unit</b> 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/27/2007</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 33 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It cannot be reasonably ascertained what is meant by a spring clip location since a spring clip was not disclosed in the specification of the application.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 33 and 45-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 33, it is unclear what is the spring clip location.

In claim 45, the term "shallow" is in parenthesis and it is unclear if this limitation is required or not.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 29-36, 38, 40 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Moorman (US 5265753 A).

Regarding claims 29, 31-33, 40 and 41, Moorman teaches a container for a flexible bag comprising an inner contents bag liner (22) locatable within an outer box carton (1) and a neck piece or collar (7), between a bag neck and a carton wall or wall aperture (see Fig. 6), with co-operative fit between respective collar and carton or carton aperture edge profiles. Examiner notes that the aperture within collar 7 is sufficient to “snap fit” the neck of the inner bag.

Regarding claim 30, Moorman teaches a container for a flexible bag with a collapsed carton in a compact flat-pack configuration (see Fig. 2). Examiner notes that any flexible bag would be capable of collapsing along with the carton blank.

Regarding claim 34, Moorman teaches a container for a flexible bag with a carton wrap or sleeve around a bag leaving exposed a protruding bag neck and collar (see Figure 1).

Regarding claim 35, Moorman teaches a container for a flexible bag with a carton lid flap incorporating cuts (15), creases or folds to allow folding as an inset ledge or

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recessed shelf (7), with a cut-out or aperture for a bag neck or neck collar (21), and a collar configured as a shallow tray, with a peripheral rim upstand (14), and a marginal rim flange (11) overlapping aperture edges and bounding carton faces, to sit within the shelf recess, to accommodate a protruding bag neck within a uniform, say rectangular, overall carton form (see Fig. 1).

Regarding claim 36, Moorman teaches a container for a flexible bag with a retractable discharge or fill spout (23), by flexing a resiliently deformable collar wall to react between carton wall and bag neck for alternative retraction and protrusion.

Regarding claim 38, Moorman teaches a container for a flexible bag with a lockable closure cover flap integrated with the collar, to inhibit access to an underlying bag neck and so bag contents. Examiner considers cover flap 7 to provide a lockable closure.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moorman in view of Eeg et al. (US 4815631 A; hereinafter Eeg).

Regarding claim 37, Moorman teaches everything except a handle integrated with the collar. Eeg teaches a bag-in-box package comprising a handle aperture (18) foldably (via 16) formed with the collar for dispensing (22; see Fig. 1). It would have

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been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Moorman's container to include a handle formed integrally with the collar in order to provide a hand-hold, which would be useful while pouring the contents out of the container (Eeg; Col 2 lines 1-10).

7. Claims 39, 42 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moorman in view of Muise et al. (US 6637623 B2; hereinafter Muise).

Regarding claims 39 and 45-48, Moorman teaches everything except a discrete removable collar. Muise teaches a bag-in-box shipping container comprising a discrete removable collar (28) attached to the bag (24). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Moorman's container to include a discrete removable collar in order to further provide means to fix the bag within the box (Muise; Col 2 lines 50-55).

Regarding claim 42, Moorman teaches everything except a frangible tamper-evident seal. Muise teaches a bag-in-box shipping container comprising a frangible seal (14). Examiner considers this seal to provide a tamper-evident means. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Moorman's container to include a seal overtop of the bag's closure cap to further ensure that the container can endure the rigors of handling (Muise; Col 3 lines 29-32).

8. Claims 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moorman in view of Latimer (US 5826752 A).

Regarding claims 43 and 44, Moorman teaches everything except a moisture-resistant coating. Latimer teaches a fluid dispensing and shipping container wherein the sheet material, such as corrugated cardboard, is coated with a laminate to make the sheet material moisture resistant (Col 5 lines 40-49). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to coat Moorman's sheet material with a laminate in order to make the container moisture resistant, as taught by Latimer.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wein (US 6059182 A) and Todjar-Hengami (US 2001/0030228 A1). These references teach cartons comprising a moisture-resistant coating.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER DEMEREE whose telephone number is (571)270-1982. The examiner can normally be reached on Mon-Fri, 8:00 AM-5:00PM, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Demeree/  
Examiner, Art Unit 3782

/Nathan J. Newhouse/  
Supervisory Patent Examiner, Art Unit 3782